

REMARKS

In the Office Action, the Examiner has indicated that the Applicants have previously elected Species 1, corresponding to FIGS. 1 - 16. In accordance with the election, the following claims are considered to have been withdrawn: 5 - 11; 15; 16; 26; 29 - 37; and 41 - 43. Claim 27 is objected to, but considered if rewritten in independent form. Further in accordance with the Office Action, the Examiner has rejected the remaining claims in the application under 35 U.S.C. §102 and/or 35 U.S.C. §103(a), based on one or more of the following patent references: Toms, et al., U.S. Patent No. 6,133,845 issued October 17, 2000; and Drury, U.S. Patent No. 5,618,192 issued April 8, 1997. The Applicants respectfully traverse the rejections, based upon the claims as amended herein and the following remarks.

Applicants' invention is directed to an overhead rail system for supporting and energizing a series of utilitarian elements, cooperating so as to form a commercial interior primarily depending downwardly from a plane of the rail system. As set forth in claim 1 as originally filed, the rail system includes at least one primary track, with electrical energizing means. As set forth in the amendment to claim 1, the electrical energizing means are located within the primary track, and provide electrical power signals along the elongated configuration.

The utilitarian elements can include a set of vertically disposed partitions, and a set of electrically energized devices. Electrical connection means are positioned along the track so as to interconnect the electrically energized devices to the electrical energizing means. The partition connecting means and the electrical connection means are coupled to the track, and to the partitions and electrically energized devices, respectively, so as to facilitate reconfiguration and relocation of the utilitarian elements as required by users of the interior.

To further clarify and more specifically define Applicants' invention, claim 1 has been amended so as to incorporate and specifically define the concept that the rail system also includes communication means located within the primary track. The communication means receive and transmit communication signals along the elongated configuration. Further in accordance with amendments to claim 1, the electrical energizing means and the communication means are defined as being integral with the primary track. In addition, the electrical energizing means and the communication means are defined as being physically and electrically isolated from one another. Applicants respectfully submit that the amendments to claim 1 do not constitute any new matter, and are fully supported by the patent application disclosure as originally filed. For example, the communication means are defined in a number of locations within the specification, and are also specifically defined in originally filed claim 3. The concept of electrical isolation is found in originally filed claim 17.

Applicants respectfully traverse the rejection of claim 1 - 4, 12, 14, 17 and 18 under §102(b) as being anticipated by the Toms, et al. patent.

Claims 3 and 17 have been canceled in accordance with this amendment, in view of the additional subject matter of claim 1, which corresponds in part to the subject matter set forth in originally filed claims 3 and 17.

The Toms, et al. patent discloses a utility distribution system for modular furniture, which consists of individual furniture units juxtaposed so as to form one or more work stations. Toms, et al. disclose the concept of each furniture unit having a signal conductor positioned within the unit, and extending through a portion of the unit. Quick-disconnect connectors are utilized so as to provide for a communications network for the work stations.

Couplers are positioned within the furniture unit, and connected with the signal conductors at locations intermediate first and second connectors. A signaler is also physically associated with each furniture unit. The signaler is connected to the signal conductor at the coupler, so as to communicate through the conductor and a communications network, and facilitate controlled distribution of utilities to the work stations.

In addition to the foregoing, it appears that Toms, et al. also disclose a network controller coupled to the signal conductor, for transmitted control signals to the signaler through the signal conductor, and receiving control signals through the conductor. The network controller evaluates the furniture arrangement, so as to facilitate distribution of utilities to the work stations.

Other concepts associated with relatively well known modular communications networks are also disclosed in Toms, et al. For example, a utility appliance can be coupled to a signal conductor for communicating with the network controller. The appliance can include a memory unit storing operating instructions for the appliance. The instructions are transmitted to the control circuitry of the controller, when the appliance is initialized. The network controller can then control the appliance according to the operating instructions received from the appliance.

In certain aspects, Toms, et al. appears that it may be characterized as teaching the concept of having a mechanical track with an elongated configuration. Toms, et al. also may be characterized as individually teaching the concepts of providing electrical power signals and the use of partitions. However, with respect to communication devices, Toms, et al. appears to limit disclosure of such devices to elements such as the data receptacle 26 illustrated in FIG. 2 of

Toms, et al.

In contrast to the teachings of Toms, et al., the Applicants' invention is directed to an overhead rail system for supporting and energizing a series of utilitarian elements which cooperate so as to form a commercial interior. As expressly set forth in claim 1, the utilitarian elements primarily depend downwardly from a plane of the rail system.

In particular contrast to the teachings of Toms, et al., claim 1 as amended for Applicants' invention defines the electrical energizing means and the communication means as being integral with the primary track, and physically and electrically isolated from one another. Applicants' concept of providing communication means and electrical energizing means within and integral to the primary track is neither taught nor suggested by Toms, et al. Further, physical and electrical isolation of an electrical energizing means and a communication means both located within the primary track, is neither taught nor suggested by Toms, et al. With respect to the Examiner's comments, Applicants believe that element 5 defined in Toms, et al., comprising a signal conductor, cannot be characterized as electrical energizing means which is "located within" a primary track. Also, with reference to FIG. 2 of Toms, et al., as specifically referenced by the Examiner, the data receptacles 26 do not appear to consist of communication means which are located within a primary track, and further do not appear to transmit communication signals along an elongated configuration of a primary track. In contrast to the drawings of Toms, et al., the Applicants refer the Examiner to the integral nature of the electrical energizing means and the communication means with the primary track as particularly illustrated in FIG. 2 of the Applicants' patent application. Again, the Applicants do not believe that the concept of having electrical energizing means and communication means located within the same primary track is

taught or suggested by Toms, et al. Further, Applicants do not believe that Toms, et al. appears to teach or suggest the physical and electrical isolation of electrical energizing means and communication means located within the same primary track.

For all of the foregoing reasons, the Applicants respectfully submit that claim 1 as amended is not anticipated by Toms, et al.

Claims 3 and 17 have been canceled. With respect to claims 2, 4, 12, 13 and 18, each of these claims is directly or indirectly dependent from claim 1, and incorporates all of the limitations thereof. For the reasons previously set forth herein that claim 1 as amended is not anticipated by Toms, et al., the Applicants respectfully submit that each of the foregoing claims is not anticipated by Toms, et al.

Applicants respectfully traverse the rejection of claims 1, 22, 23 and 28 under §102(b) as being anticipated by the Drury patent.

The Drury patent discloses a flexible conductor track in the form of an electrical distribution system for skirting boards. A conductor assembly is housed within an extruded housing, and forms an access channel through which connector plugs can be inserted. The assembly has a series of slots and opposing faces, with bus connectors located in one face. The widths of the slots decrease when the conductor assembly is bent. In this manner, the distribution system avoids the necessity of having to be cut at wall corners.

As previously described, claim 1 has been amended so as to incorporate the concept of communication means located within the primary track. In addition, claim 1 has been further amended so as to refer to the electrical energizing means and the communication means as being integral with the primary track. Applicants respectfully submit that Drury neither

teaches nor suggests any use of communication means, or any use of a primary track having electrical energizing means and communication means being integral with the track.

For the foregoing reasons, Applicants respectfully submit that claim 1 as amended is not anticipated by Drury.

Each of claims 22, 23 and 28 is directly dependent from claim 1, and incorporates all limitations thereof. For the reasons previously set forth herein that claim 1 as amended is not anticipated by Drury, Applicants respectfully submit that none of claims 22, 23 or 28 are anticipated by Drury.

Applicants respectfully traverse the rejection of claims 14, 19 - 21, 38 and 40 under §103(a) as being unpatentable over Toms, et al. in view of Drury.

The general disclosures of Toms, et al. and Drury have been previously set forth herein. Applicants respectfully traverse the alleged combination of Toms, et al. and Drury. Toms, et al. teaches a utility distribution system having elongated and linear signal conductors and raceways. In contrast, the teachings of Drury are directed to the use of a conductor assembly within an extruded housing, with the assembly having a series of slots. It is intended in Drury to have the conductor assembly bent at wall corners, with the width of the slots decreasing with such bending action. There is no teaching or suggestion whatsoever in Toms, et al. to apply the use of a bendable conductor assembly to the Toms, et al. furniture units. Further, there is no teaching or suggestion whatsoever in Drury to utilize the Drury conductive tracks with any kind of network or communications systems which may be characterized as being disclosed in Toms, et al. For these reasons, Applicants respectfully submit that Toms, et al. cannot be tenably combined with Drury.

Assuming, arguendo, Toms, et al. can be tenably combined with Drury, the resultant alleged combination still does not teach or suggest Applicants' invention as defined in the claims.

For the reasons previously set forth herein, Applicants' invention as defined in claim 1 as amended is not anticipated by Toms, et al. or Drury. The alleged combination of Toms, et al. and Drury still does not teach or suggest Applicants' invention as defined in claim 1 as amended. That is, the alleged combination of Toms, et al. and Drury still would not teach the combination of electrical energizing means and communication means both being located within a primary track. Further, the alleged combination would neither teach nor suggest electrical energizing means and communication means being positioned so as to be integral with the primary track.

For these reasons, Applicants respectfully submit that the alleged combination of Toms, et al. and Drury would not teach or suggest Applicants' invention as defined in claim 1 as amended.

Each of claims 14, 19 - 21, 38 and 40 is directly or indirectly dependent from claim 1, and incorporates all limitations thereof. For the reasons previously set forth herein that the alleged combination of Toms, et al. and Drury would not teach or suggest Applicants' invention as defined in claim 1 as amended, the Applicants respectfully submit that the alleged combination would not teach or suggest Applicants' invention as defined in the aforementioned dependent claims.

Applicants respectfully traverse the rejection of claims 24, 25 and 39 under §103(a) as being unpatentable over Drury, FIG. 28, in view of Drury, FIGS. 13 and 14.

FIG. 28 of Drury is a cross-sectional elevation of an electrical distribution system located within a skirting board. FIG. 13 illustrates a particular embodiment of an extruded housing utilized in Drury. FIG. 14 illustrates a distribution system utilizing the housing shown in FIG. 13.

For the reasons previously set forth herein, claim 1 as amended is not anticipated by Drury. Applicants further respectfully submit that claim 1 as amended is not suggested by any teachings of Drury, whether in FIGS. 13, 14 and 28, or otherwise. More specifically, claim 1 as amended defines communication means located within a primary track. Claim 1 as amended also defines electrical energizing means and communication means being integral with the primary track. Drury neither teaches nor suggests the use of any type of communication means. For these and other reasons previously set forth herein, claim 1 as amended is neither taught or suggested by Drury.

Each of claims 24, 25 and 39 is directly or indirectly dependent from claim 1, and incorporates all limitations thereof. For the reasons previously set forth herein that claim 1 is neither taught nor suggested by the aforereferenced figures of Drury, none of the aforereferenced dependent claims is taught or suggested by Drury.


For the foregoing reasons, Applicants respectfully submit that claims 24, 25 and 39 are neither taught nor suggested by any combination of the teachings of Drury.

In view of all of the foregoing, Applicants respectfully submit that the claims remaining in the application as amended are now in condition for allowance, and early notification of allowability is respectfully requested. Should any questions arise in connection with the above, please contact Thomas L. Lockhart at the telephone number of 616/336-6000.

Respectfully submitted,

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